

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

UNITED STATES OF AMERICA,
Plaintiff

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CIVIL ACTION NO. 69-14430

VERSUS

**CATAHOULA PARISH SCHOOL
BOARD, *et al.*,**
Defendants

JUDGE DRELL

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MEMORANDUM

In an Order dated January 24, 2019, the Court made reference to a recent video report found on YouTube and indicated that no notice had been provided to the Court from any party about the issues presented in the YouTube report. More specifically, the Court indicated that it had no notice from any party about “the use of unqualified teachers at Block High School or the disparity among physical conditions at Catahoula Parish high schools.” The Court directed that the parties respond by filing briefs on the two (2) issues mentioned above, and this pleading constitutes such response on behalf of Defendant Catahoula Parish School Board (hereinafter “School Board”).

The School Board respectfully submits that, like many of the reports found on YouTube, the referenced report was inaccurate and/or misleading. The School Board will address the issues raised by the Court in the order presented.

(1) Use of unqualified teachers at Block High School.

Like every other public school in Catahoula Parish and virtually every other public school in the State of Louisiana, Block High School utilizes non-certified teachers in certain classes where

certified teachers are not available. The ability of the School Board to recruit and retain certified teachers is hampered by the fact that surrounding school systems (including Delta Charter School) have the ability to pay higher salaries to their employees. As the Court is aware, revenues of a public school system in Louisiana come primarily from three (3) sources – Minimum Foundation Program (“MFP”) funds received from the State, local property (ad valorem) taxes approved by the voters, and local sales taxes approved by the voters. According to information provided by the Louisiana Department of Education (“LDOE”) for fiscal year 2018-19¹, the total MFP payment to Catahoula Parish is \$13,639,128. That compares to MFP payments to Concordia Parish in the amount of \$34,972,399, to Franklin Parish in the amount of \$28,373,880, and to Ouachita Parish in the amount of \$179,907,916. It is not surprising, therefore, that each of those nearby districts pays teachers at substantially higher levels than is possible for defendant School Board.

With regard to receipt of MFP monies from the State, it should also be pointed out that the amount received by each school system is directly tied to the number of students being educated by that system as of the October 1 reporting date. Annual reports submitted to the Court by the School Board demonstrate a steady decline in student population in recent years. For example, Record Document 9-1 shows that the School Board had 1560 students as of October 1, 2011 while Record Document 26-3 shows that such number was only 1223 as of October 1, 2018. The loss of 337 students (21.6% of all students) has resulted in a loss of approximately \$3,453,239 (337 students x \$10,247/student) per year of MFP funding.² Such reduction makes it very difficult for the School

¹Exhibit 1. Table 3: FY 2018-19 Budget Letter, Column 41.

²Ninety-eight (98) of the lost students went to Delta Charter School resulting in a loss to the School Board of \$1,004,206 (98 students x \$10,247 per student) per year.

Board to be able to compete with surrounding districts for certified teachers.³

With regard to local property taxes, information provided by the LDOE reveals that the net assessed taxable property in Catahoula Parish is the lowest of any of the sixty-nine (69) public school systems in the State (\$39,254,223).⁴ In addition, the total ad valorem taxes collected by the Catahoula Parish School Board (\$856,387) is the second lowest in the State, exceeding only East Carroll Parish (\$708,609).⁵

Finally, with regard to collection of local sales taxes, the School Board ranks 60 out of 69 school districts in amount collected. That low ranking is not surprising since Catahoula Parish has no Walmart, Home Depot, Lowe's, department store, McDonald's, Burger King, Wendy's, Chick-fil-A, Popeyes, Holiday Inn, Hampton, Days Inn, Best Western, or any other hotel chain, movie theater, bowling alley, or any other business collecting large amounts of sales tax revenues. More specifically, Franklin Parish to the north and Concordia Parish to the south each collect in excess of \$2 million dollars more in sales taxes each year than does the Catahoula Parish School Board. These sales taxes are used to supplement the amount of money received from the State through the MFP formula to pay for teacher salaries, benefits, and other expenses of the school system.

Despite its severe financial limitations, the Catahoula Parish School Board has been relatively successful in recruiting and retaining a majority of fully certified teachers.⁶ A chart showing the

³It also makes it difficult to afford a more extensive repair and renovation program for its facilities.

⁴Exhibit 2. Table 7: FY 2018-19 Budget Letter, Column 3c.

⁵*Ibid.* Column 12.

⁶The Catahoula Parish School Board currently employs eleven (11) uncertified teachers (5W, 6B) in its six (6) schools. The Concordia Parish School Board, by comparison, recently announced

teachers at each school by race and certification for 2017-18 is attached as Exhibit 3 and for 2018-19 is attached as Exhibit 4. The fact that a teacher is not “certified” does not mean that the teacher is not “qualified.” Some of the best teachers in the State lack degrees in education and/or certification from the LDOE. Many of them are pursuing that certification while they continue to teach. Others have teacher certification in one field but have been asked (and have accepted) to teach in another field due to the inability of the school system to attract a teacher with those qualifications.

Immediately prior to the opening of the 2018-19 school year, four (4) certified teachers left Block High School.⁷ Some of them left to go to other school systems with higher salaries, and one left to join the sheriff’s office for a higher salary.⁸ Since these resignations came within days of the opening of the school year, the School Board had insufficient time to attract four (4) new certified teachers to come to the parish to fill the vacancies that had been created. Instead, it assigned its most qualified employees to those positions while it continued to search for certified replacements.⁹ Not surprisingly, the percentage of certified teachers shown at Block High School is slightly lower than the percentage of certified teachers shown at the other schools in the District.

that it employed forty (40) uncertified teachers in its nine (9) schools.

⁷The guidance counselor of Block High School also left in January 2019 to take a teaching position at Delta Charter School. The School Board had previously lost three (3) certified teachers and a Highly Qualified (HQ) paraeducator to Delta Charter School. Three (3) of those four (4) employees previously worked in Jonesville schools, which have the highest percentages of uncertified teachers.

⁸These departures came at about the same time that a group of citizens and other individuals started protesting about certain alleged problems at Block High School and demeaning the faculty and staff of that high school, together with the Superintendent of Schools and the School Board.

⁹The CPSB hired a new certified teacher for Block High School in the last two (2) weeks, but that hire is not reflected in the chart attached as Exhibit 4.

Despite this fact, it should be noted that Block High School is a “B” rated high school by the Louisiana Department of Education. It was a “C” rated high school in the previous year, but the performance of its students improved to such a level that it raised its score to “B”, which is the same score obtained by Harrisonburg High School and Sicily Island High School. Contrary to the implications of the YouTube story, the students at Block High School have been receiving a quality education. Indeed, considering the financial limitations of the School Board, the fact that all four (4) high schools in the parish are rated “B” or better (Central High School has an “A” rating but only 67 students in grades K-12) is truly remarkable and should result in compliments to the school system rather than criticisms of it.

The School Board has undertaken numerous efforts to recruit and retain certified teachers at Block High School. The CLIP (Central Louisiana Instructional Partnership) Grant was sought and obtained to fund a stipend to student teachers and college tuition for those college students who would agree to return to Block High School and teach following graduation. CLIP participants will receive stipends to cover the expenses of their tuition, will receive annual stipends of \$36,000, and will receive support from a coach during their first two (2) years of teaching. As part of the CLIP agreement, CLIP graduates are required to teach for at least three (3) years. Also, teacher support groups have been established at Block High School and grant proceeds have been dedicated to Block High School solely for the benefit of the teachers there. In September 2018, the School Board voted to seek court approval to close Jonesville Junior High School and to place its 7th and 8th grade students on the campus of Block High School. Since many of the teachers at Jonesville Junior High School are certified teachers, transferring them to Block High School will increase the number of

certified teachers available to students there.¹⁰

In conclusion on this issue, the School Board would acknowledge that the percentage of certified teachers at Block High School is currently slightly lower than it is at the other high schools in the District but it would show that it is doing everything within its power to attract and retain additional certified teachers at Block High School. In the meantime, the students of Block High School continue to receive a quality education program as evidenced by the “B” rating of the school obtained this year. The YouTube suggestion that Block High School is a one race black school and that the students “suffering” from the conditions of that school are only African American is also far from the truth. As of October 1, 2018, the racial composition of the students at Block High School was 58.5% black, 39.4% white, and 2.1% Hispanic. Unfortunately, only those who complain are heard from, and the complaints about Block High School have been made as part of the continuing efforts of a handful of individuals to place the school in a negative light for purposes of their personal agendas.

(2) Disparity among physical conditions at Catahoula Parish high schools.

There are four (4) high schools in Catahoula Parish – Block High School (Grades 8-12), Harrisonburg High School (Grades K-12), Sicily Island High School (Grades PK-12), and Central High School (Grades K-12). The student populations of those schools are 190, 340, 247, and 67, respectively, as of the date of the last annual report of the Court.¹¹ All four (4) high school facilities are old: Block High School was constructed in 1936; Harrisonburg High School was constructed in

¹⁰The School Board will be filing a motion in the near future to obtain permission for this consolidation and has been notified by the attorney for the United States Department of Justice that it will not oppose such motion.

¹¹See Record Document 26-3.

1939; Sicily Island High School was constructed in 1953¹²; and Central High School was constructed in 1948. Efforts to pass taxes to fund construction of one or more new high schools in the parish have failed miserably. For example, in 2007, the School Board put before the taxpayers of Catahoula Parish a bond issue that, if passed, would have generated the funding needed to build a new consolidated high school between Jonesville and Harrisonburg. That tax proposition failed at every voting booth in the entire parish, including every voting booth in Jonesville. Overall, more than 76% of the votes cast were against the proposition.

Since it does not have the funds to construct new schools, the School Board has been left with no alternative but to make the best use of available funds for renovations and repairs at existing schools. Exhibit 5 is a chart showing the funding that has been spent on repairs to each of the schools during the last five (5) years. As that exhibit indicates, substantially more money has been spent on repairs at Block High School (\$233,040.57) than at any other school in the District. Similarly, substantially more money on instructional expenses has been incurred at Block High School (\$708,603.62) than at any other school in the District. (See Exhibit 6). The only other school with instructional expenses anywhere near those of Block High School is Jonesville Elementary School (\$634,822.16), which feeds Block High School. If instructional expenditures at Jonesville Junior High are added to those totals, then \$1,677,494.84 has been spent in Jonesville schools. This represents 69.13% of the total instructional expenditures for all schools in the District.

The YouTube video does not accurately reflect the condition of the facilities at Block High School. The paint-stained carpet shown in the video was actually old carpet in the school that was

¹²The main high school building was constructed in 1953, but the field house and gymnasium date back to 1939.

being used as a drop cloth while painting was ongoing. When that painting was completed, the old carpet was removed and replaced with new carpet.¹³ The video also showed a student complaining about the poor condition of one textbook allegedly provided to her, but it did not show that every student, including the student depicted in the video, had been provided with a Chromebook to take the place of all textbooks for students.

It should also be reported that representatives of the United States Department of Justice and representatives of the School Board toured all schools in Catahoula Parish (including Block High School) in May 2018. None of the conditions shown on the video were observed during that tour, and the Justice Department reported no disparity among the physical conditions of the high schools of the parish following such tour. Again, the mischaracterizations of Block High School depicted in the video were obviously designed to place that school in a negative light and make no reference to the fact that the voters in the Town of Jonesville overwhelmingly defeated a tax election that would have generated the funds necessary for the construction of a brand new high school to serve the students of that community. The parties who now complain about Block High School also offer no suggestions as to how the cost of additional renovations and/or repairs to that school can be financed. In short, there is no disparity among the physical conditions of the high schools in Catahoula Parish. They are all old; they are all in need of some renovations and repairs; and they are all receiving such renovations and repairs as the budget of the school system permits.

Finally, it should also be noted that the complaints of citizens, parents, and students of Block High School have not been ignored. The School Board conducted a community forum in September

¹³Areas of the Block High School campus shown on the video were photographed by undersigned counsel on February 14, 2019. Copies of those photographs are attached as Exhibit 7, *in globo*.

2018 to discuss and take action, as necessary, to address the concerns of parents and students about Block High School. Representatives of the District's administration met with parent representatives on at least two (2) other occasions to discuss their concerns. The School Board conducted two meetings during which parents, students, and others have been allowed to address the Board with their concerns about the school. The School Board has approved substantial renovations and repairs to the facility at the school, and those improvements have been completed.¹⁴ Parents and students complained about block scheduling of students that occurred at the school, and the School Board agreed to return to eight (8) period instructional days instead, as requested. Parents and students complained about the desks for students at the school, and the School Board replaced the desks with tables, as requested. Parents and students complained about the students at the school not having more field trip opportunities, and the Board increased those opportunities, as requested. In short, the School Board has heard the complaints about Block High School (legitimate or not) and has taken steps to address many of those concerns. The School Board has no way to control, however, the production of YouTube videos which are inaccurate and incomplete depictions of the conditions of a particular school.

CONCLUSION

There was no notice to the Court from defendant School Board about use of unqualified teachers at Block High School because the use of uncertified teachers in public schools is not a new phenomenon and, in the case of Block High School in particular, did not prevent that school from improving its "C" rating to a "B" rating, which is the same rating received from the State by Harrisonburg High School and Sicily Island High School.

¹⁴See Exhibit 7.

There was no notice to the Court from defendant School Board about disparity among physical conditions at Catahoula Parish high schools because there is no such disparity. All high schools (indeed all schools) in the District were originally constructed more than sixty (60) years ago, and all high schools are in need of improvements or renovations. Without tax revenues dedicated to capital improvements, the School Board has done a great job of maintaining its facilities. The repairs that have been done over the last five (5) years have focused on the schools of Jonesville, including Block High School in particular.

We hope that we have adequately addressed the issues raised in the Court's Order of January 24, 2019, but we will provide additional information on them if requested by the Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing **MEMORANDUM** has been filed by electronic transmission to the Clerk of Court by use of the CM/ECF system which will send a notice of electronic filing to counsel registered with the Court for receipt of pleadings by e-mail.

BATON ROUGE, LOUISIANA, this 26th day of February, 2019.

s/ Robert L. Hammonds
ROBERT L. HAMMONDS